



**CHAPTER lix.**

An Act to confer further powers upon the Shotley Bridge and Consett District Gas Company. [13th July 1899.] A.D. 1899.

**W**HEREAS by the Shotley Bridge and Consett District Gas Act 1869 (herein-after called "the Act of 1869") the Shotley Bridge Gas Company Limited was dissolved and re-incorporated into a new company by the name of the Shotley Bridge and Consett District Gas Company (in this Act called "the Company") :

And whereas under the provisions of the Act of 1869 the Company were empowered to supply gas to and within certain parts of the parish of Lanchester in the county of Durham and certain parts of the parish of Shotley in the county of Northumberland as in the said Act set forth :

And whereas the township of Healeyfield in the said parish of Lanchester is not now supplied with gas and it is expedient that the limits of supply of the Company as defined by the Act of 1869 should be extended so as to include that township :

And whereas the demand for gas within the Company's limits of supply is increasing and in order to enable the Company to meet the demand for gas within their existing limits of supply and the area to be supplied by them under the powers of this Act it is expedient that the Company should be empowered to hold and use certain lands belonging or reputed to belong to the Company for the purpose of erecting and maintaining thereon gasworks and works for dealing with the residual products of gas :

And whereas the existing capital of the Company is thirty thousand pounds made up as follows :—

Consolidated stock entitled to a maximum dividend	£
of 10 per centum	11,905
Ordinary "A" shares entitled to a maximum dividend	
of 10 per centum	3,095
Ordinary "B" shares entitled to a maximum dividend	
of 7 per centum	15,000
	<hr/>
	£30,000

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A.D. 1899.      and it is expedient to consolidate the different classes of shares or stock of the Company and to convert the same into one stock entitled to a uniform maximum rate of dividend :

And whereas the Company have borrowed on mortgage of their undertaking and now owe a sum of six thousand pounds :

And whereas it is expedient that the Company should be authorised to raise further money by the creation and issue of stock or otherwise as in this Act provided :

And whereas it is expedient that the other provisions contained in this Act be made :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.      1. This Act may be cited as the Shotley Bridge and Consett District Gas Act 1899.

Incorporation of general Act.      2. The Gasworks Clauses Act 1847 as amended by the Gasworks Clauses Act 1871 is (except where expressly varied by this Act) incorporated with and forms part of this Act.

Application of parts of Companies Clauses Acts.      3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The consolidation of shares into stock ;

The making of dividends ;

The giving of notices ;

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall extend and apply to the

Company and to the additional capital which they are by this Act authorised to raise. A.D. 1899.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction: Interpretation.

Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

5. From and after the passing of this Act the limits of supply of the Company as defined by the Act of 1869 shall extend to and include the township of Healeyfield in the parish of Lanchester and county of Durham and the Company shall have and may exercise within such limits so extended the same obligations powers rights and privileges as they now have or exercise within the limits of supply as defined in the Act of 1869 and such limits as so extended are in this Act referred to as "the limits of this Act." Extension of limits of supply.

6. The Company may hold and use the lands described in the schedule to this Act now belonging or reputed to belong to the Company and may thereon maintain alter improve enlarge extend and renew or discontinue their existing gasworks so far as the same have been erected thereon and they may also on the said lands so described or any part thereof erect lay down provide and maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasholders mains pipes machinery and other apparatus and works and conveniences and may do all such acts as they may think proper for making and storing gas and residual products and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas. Construction and maintenance of gasworks &c.

7. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands acquired under the powers of this Act shall be used by the Company for the purpose Power to purchase lands by agreement.

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A.D. 1899. of manufacturing gas or residual products except the lands described in the schedule to this Act.

Restriction on taking houses of labouring class.

8.—(1) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purpose of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Conversion and consolidation of existing ordinary capital.

9.—(1) As from and after the thirty-first day of December one thousand eight hundred and ninety-nine the consolidated stock and the shares of the Company shall by virtue of this Act be consolidated and converted into one and the same class of ordinary stock in this Act called "original consolidated stock" entitled to a uniform maximum dividend at the rate of five per centum per annum as follows (that is to say):—

Eleven thousand nine hundred and five pounds consolidated stock fully paid up into twenty-three thousand eight hundred and ten pounds original consolidated stock fully paid up;

Three thousand and ninety-five pounds ordinary "A" shares fully paid up into six thousand one hundred and ninety pounds original consolidated stock fully paid up;

Fifteen thousand pounds ordinary "B" shares fully paid up into twenty-one thousand pounds original consolidated stock fully paid up.

(2) The original consolidated stock shall be divided among and vested in the several persons who on the said thirty-first day of

December one thousand eight hundred and ninety-nine are registered on the books of the Company as holders of the existing stock and shares of the Company respectively in proportion to the amount of such stock and shares held by them respectively.

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(3) The Company shall create and issue original consolidated stock sufficient for the purposes aforesaid.

(4) All persons in whom any such original consolidated stock shall be so vested shall stand possessed thereof upon the like trusts and subject and liable to the like powers provisions declarations agreements charges liens and incumbrances to which the stock and shares in respect of which such original consolidated stock is so vested were on the said thirty-first day of December one thousand eight hundred and ninety-nine subject and every deed or other instrument and every will or testamentary disposition of or affecting or purporting to affect or deal with the existing stock or shares shall take effect with reference to the whole or a proportionate part as the case may be of the original consolidated stock substituted therefor.

(5) The Company shall call in and cancel the certificates of the existing stock and shares and shall issue in lieu thereof to every holder of stock and shares new certificates for equivalent amounts of original consolidated stock as provided by this Act.

(6) Every new certificate shall be issued free of charge.

(7) No holder of stock or shares shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the stock or share certificates for which such certificate of original consolidated stock is substituted or shall have proved to the reasonable satisfaction of the Company the loss thereof.

(8) Subject to the provisions of this section the provisions of the Companies Clauses Consolidation Act 1845 with respect to the consolidation of shares into stock shall extend and apply to the original consolidated stock.

Provided that in every case where under the provisions hereinbefore contained a holder of existing stock or shares would be entitled to any fractional part of a pound of original consolidated stock the Company shall not be bound to register such fractional part of a pound of stock but may at the option of the Company pay to such holder such a sum in cash as shall be equal to the market value of such fractional part or receive from such holder such a sum in cash as will make up the amount of stock to be vested in him to an integral number of pounds and the amount of original consolidated stock vesting in such holder shall thereupon be reduced or increased accordingly and the directors may raise the money

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A.D. 1899. — necessary to enable the Company to make such cash payment as aforesaid by the issue and sale from time to time of such an amount of original consolidated stock as may be requisite in that behalf.

As to  
reserve fund.

10. The reserve fund authorised by section 31 of the Gasworks Clauses Act 1847 in respect of the capital of the Company existing at the passing of this Act shall not be increased by reason of the consolidation and conversion of such capital by this Act authorised but shall so far as regards such capital be limited to the sum of three thousand pounds.

Power to  
raise  
additional  
capital.

11. The Company may raise additional capital not exceeding in the whole thirty-six thousand pounds by the creation and issue of additional original consolidated stock or of new ordinary stock or new preference stock or partly in one way and partly in the other but such stock shall not vest in the person accepting the same unless and until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of thirty-six thousand pounds. Provided also that the Company shall not create and issue within the year following the passing of this Act or within any subsequent year any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid twelve thousand pounds.

If autho-  
rised capital  
for any year  
not raised  
the amount  
may be made  
up in  
subsequent  
years.

12. If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years they may in any subsequent year create and issue in addition to the amount prescribed for such year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid twelve thousand pounds in respect of each year expired since the passing of this Act.

New stock  
to be subject  
to same  
incidents as  
existing  
stock.

13. The capital in new stock created by the Company under this Act and the new stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liability rights privileges and incidents whatsoever in all respects as if that capital were part of the capital of the Company of the same class or description existing at the date of the creation of such new stock and the new stock were stock in that capital.

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14. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential stock.

15. Except as by this Act provided the profits of the Company to be divided among the holders of stock in any year shall not exceed on the original consolidated stock the rate of five pounds in respect of every one hundred pounds of such capital and on the additional capital to be raised under the powers of this Act the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of four pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Profits of Company limited.

16. Notwithstanding anything in this Act contained the Company shall when any stock created under the powers of this Act is to be issued and before offering the same to the holder of any other stock in the Company and whether the ordinary stock of the Company is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of stock and that the reserve price put upon such stock shall not be less than the nominal amount thereof and that notice of the amount of such reserve price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of stock in the Company except that if any bidding or offer by tender of any holder or holders of stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of stock shall be accepted in preference.

New stock to be offered by auction or tender.

17. It shall be one of the conditions of any sale of stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Purchase money of capital sold to be paid within three months.

18. The intention to sell any such stock by auction or by tender shall be communicated in writing to the clerks of the urban district councils having authority within any parts of the limits of this Act and the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day

Notice to be given as to sale of stock.

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A.D. 1899. — for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits of this Act.

Stock not sold by auction or by tender to be offered to holders of stock.

19. When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of stock created under the powers of this Act but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any stock not then sold shall be again offered to the holders of ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such stock is sold.

Application of premium arising on issue of stock.

20. Any sum of money which shall arise from the issue of any such stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow in respect of original capital.

21. The Company may forthwith after the passing of this Act borrow on mortgage of the undertaking in respect of the original consolidated stock of fifty-one thousand pounds any sums not exceeding in the whole ten thousand pounds including the sum of six thousand pounds authorised to be borrowed under the provisions of the Act of 1869.

Power to borrow in respect of additional capital.

22. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by stock but no part thereof shall be borrowed until the whole of the stock at the time issued together with the premium (if any) realised on the sale thereof shall



have been fully paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. A.D. 1899.

**23.** All mortgages in pursuance of the powers of any Act of Parliament granted by the Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. Priority of existing mortgages.

**24.** Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of arrears of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act. Repeal of provisions of former Acts with respect to appointment of receiver.

**25.** The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. For appointment of receiver.

**26.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys Debenture stock.

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A.D. 1899. — secured by such mortgages and charged upon the undertaking  
Notice of the effect of this enactment shall be endorsed on all  
mortgages and certificates of debenture stock.

Priority of  
mortgages  
and debenture  
stock  
over other  
debts.

**27.** All money to be raised by the Company on mortgage or by debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Receipt in  
case of  
persons not  
*sui juris*.

**28.** If any money is payable to a shareholder or stockholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application  
of money.

**29.** All money raised under this Act by the Company whether by stock debenture stock or borrowing shall be applied only to the purposes by this Act authorised and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Company  
may contract  
with local  
authority &c.  
for supply in  
bulk.

**30.** The Company may contract with any district council or other local authority company or person beyond the Company's limits of supply but only with the consent in writing of any local authority or any company or person authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given for the supply to them or him respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

As to  
dividend—  
Closing of  
transfer

**31.** With reference to dividend closing of transfer books general meetings of the Company and the scale of voting at meetings the following provisions shall apply from and after the passing of this

Act instead of the provisions of the Act of 1869 and the Acts therewith incorporated relating thereto (that is to say):—

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books—  
Meetings—  
Voting.

- (A) The directors may without the sanction of a general meeting declare and pay in the interval between any two ordinary annual general meetings an interim dividend not exceeding one half the maximum dividend for the time being payable by the Company out of the profits of the Company having first paid or made provision for the payment of any dividend accrued on any preference stock in respect of the same period :
- (B) It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previously to the declaration of any interim dividend and they may fix the day for closing the same of which seven days notice shall be given by advertisement in some newspaper published and circulating in the district in which the principal office is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such interim dividend :
- (C) The prescribed period for holding ordinary meetings shall be in the month of March in each year or such other period as shall be appointed at a general meeting of the Company :
- (D) The prescribed scale of voting shall be as follows:—  
For £30 of stock whether of the existing capital or the additional capital created under this Act one vote ;  
For £150 of such stock two votes ;  
For £300 of such stock three votes ;  
For £500 of such stock four votes ;  
For £700 of such stock five votes ;  
For £1,000 of such stock six votes :

No proprietor shall be entitled to vote in respect of a holding of less than thirty pounds of such stock and no proprietor shall be entitled to more than six votes and every holder of shares in the Company shall have the same number of votes as would be conferred by an equal amount of such stock.

**32.** In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the

As to  
incorrect  
meters in  
certain cases.

A.D. 1899. — Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Company.

Power to refuse to supply persons in debt for other property.

**33.** If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Company without paying all gas or meter rent and rent for gas stoves cookers pipes and fittings due from him the Company may refuse to furnish to him a supply of gas until he pays the same.

Pressure of gas.

**34.** All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall *mutatis mutandis* apply to such testing of pressure and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Amending sections 59 to 61 of Act of 1869.

**35.** Sections 59 to 61 inclusive of the Act of 1869 shall as from the passing of this Act be modified as follows :—

- (A) The prescribed number of candles shall be fifteen :
- (B) The prescribed testing place for the purposes of section 28 of the Gasworks Clauses Act 1871 shall be the existing testing place at the Company's works :
- (C) The prescribed burner shall be Sugg's London argand burner No. 1 with a six-inch by one-and-three-quarter-inch glass chimney (but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used) or any other burner which the Company may from time to time adopt with the approval of the Board of Trade :
- (D) No penalty shall be recoverable from the Company for insufficiency of pressure or for deficiency in illuminating power or purity of the gas supplied by them in any case in respect of which it shall be proved to the satisfaction of the two justices that such insufficiency or defect was caused by an unavoidable cause or by accident.

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36. All costs charges and expenses of and incident to the A.D. 1899.  
preparing for obtaining and passing of this Act or otherwise in  
relation thereto shall be paid by the Company. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

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DESCRIBING LANDS TO BE HELD AND USED UNDER THE POWERS OF THE  
FOREGOING ACT FOR THE MANUFACTURE AND STORAGE OF GAS AND  
RESIDUAL PRODUCTS.

A piece of land comprising 3 acres 2 roods and 30 perches or thereabouts situate at Shotley Bridge in the township of Benfieldside in the parish of Lanchester in the county of Durham on which or part of which works of the Company now stand the said piece of land lying between the River Derwent and the main road between Shotley Bridge and Newcastle-upon-Tyne and being bounded on or towards the south partly by the site of the Company's original works and partly by lands belonging or reputed to belong to Edward Wardhaugh on or towards the north by land belonging or reputed to belong to George Peile on or towards the west by the River Derwent and on or towards the east by the main road leading from Shotley Bridge to Newcastle-upon-Tyne.

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